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| 1 | HEATHER E. WILLIAMS, SBN #122664 Federal Defender LEXI NEGIN, SBN #250376 MEGAN T. HOPKINS, #294141 Assistant Federal Defenders | |
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| 2 | | |
| 3 | | |
| 4 | Designated Counsel for Service 801 I Street, 3 rd Floor | |
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| 7 | Attorneys for Defendant RICARDO DURAN | |
| 8 | IN THE UNITED STATES DISTRICT COURT | |
| 9 | FOR THE EASTERN DISTRICT OF CALIFORNIA | |
| 10 | FOR THE EASTER! | DISTRICT OF CALIFORNIA |
| 11 | UNITED STATES OF AMERICA, |) Case No. 2:20-cr-00228-JAM-1 |
| 12 | | |
| 13 | Plaintiff, | STIPULATION AND ORDER TO CONTINUE CHANGE OF PLEA HEARING |
| 14 | VS. |) Date: October 26, 2021 |
| 15 | RICARDO DURAN, |) Time: 9:30 a.m.) Judge Hon. John A. Mendez |
| 16 | Defendant. | |
| 17 | | |
| 18 | IT IS HEREBY STIPULATED by and between Phillip A. Talbert, Acting United States | |
| 19 | Attorney, through Alexis Nelsen, Assistant United States Attorney, counsel for Plaintiff | |
| 20 | (hereinafter "the government") and Heather Williams, Federal Defender, through Assistant | |
| | Federal Defender Lexi Negin and Megan Hopkins, counsel for Defendant Ricardo Duran | |
| 21 22 | (hereinafter "defense counsel"), that the change of plea hearing currently scheduled for | |
| 23 | October 26, 2021 be continued to December 14, 2021, and that the Court exclude time | |
| 24 | pursuant to local codes T-4 and M due to the unavailability of Mr. Duran. | |
| | On Friday, October 22, 2021, undersigned counsel was informed that Mr. Duran had | |
| 25 26 | contracted Covid 19 and was unable to attend an attorney visit at the jail. Counsel attempted a | |
| | video teleconference with Mr. Duran on Monday, October 25, 2021, but was again told that Mr. | |
| 27 | Duran is in isolation due to having the Covi | id 19 virus and was unavailable. |
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Due to Mr. Duran's current unavailability and defense counsel's inability to meet with 1 him to prepare for his change of plea, the parties agree that failure to grant the requested 2 3 continuance would deny Mr. Duran the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 4 Based upon the foregoing, the parties agree time under the Speedy Trial Act should be 5 excluded through and including December 14, 2021; pursuant to 18 U.S.C. §3161(h)(3)(A)(B) 6 7 [defendant unavailable] and (h)(7)(A) and (h)(7)(B)(iv) [reasonable time to prepare] and General 8 Order 479, Local Codes T4 and M. 9 Respectfully submitted, 10 HEATHER E. WILLIAMS 11 Federal Defender Date: October 25, 2021 12 /s/ Lexi Negin LEXI NEGIN 13 MEGAN T. HOPKINS Assistant Federal Defenders 14 Attorneys for Defendant RICARDO DURAN 15 16 Date: October 25, 2021 PHILLIP A. TALBERT Acting United States Attorney 17 /s/ Alexis Nelsen 18 ALEXIS NELSEN Assistant United States Attorney 19 Attorneys for Plaintiff 20 21 22 23 24 25 26 27

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1 ORDER 2 The Court, having received and considered the parties' stipulation, and good cause 3 appearing therefrom, adopts the parties' stipulation in its entirety as its order. 4 The Court orders the time excluded from October 26, 2021 to December 14, 2021 from 5 computation of time within which the trial of this case must be commenced under the Speedy 6 Trial Act, pursuant to 18 U.S.C. §3161(h)(3)(A)(B) [defendant unavailable] and (h)(7)(A) and 7 (h)(7)(B)(iv) [reasonable time to prepare] and General Order 479, Local Codes T4 and M. 8 The Court finds the ends of justice served by taking such action outweigh the best interest 9 of the public and the defendant in a speedy trial. It is further ordered the October 26, 2021 10 change of plea hearing shall be continued until December 14, 2021, at 9:30 a.m. before the 11 Honorable John A. Mendez. 12 13 IT IS SO ORDERED. 14 15 Date: October 25, 2021 /s/ John A. Mendez 16 THE HONORABLE JOHN A. MENDEZ 17 UNITED STATES DISTRICT COURT JUDGE 18 19 20 21 22 23 24 25 26 27 28